

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

CRAIG SHIPP

PLAINTIFF

VS.

NO. 4:18-CV-0417 SOH

CORRECT CARE SOLUTIONS, LLC,
DR. LORENE LOMAX, DR MIMO LEMDJA,
KIMBERLY HOFMANN, LENORA PHILSON,
KINDALL SMITH, DIANE CUNNINGHAM,
MELISSA STONER, STEVE ARNOLD

DEFENDANTS

ORAL DEPOSITION

OF

CRAIG SHIPP

TAKEN NOVEMBER 14, 2018, AT 10:06 A.M.

Conway Court Reporting

Post Office Box 2188

Conway, Arkansas 72033

www.conwaycourtreporting.com

"Spoken to written . . . word for word"

Conway Office: 501.679.1488

Little Rock Office: 501.319.4807



COPY



A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

MR. DEREK S. FRANSEEN
WALSH & FRANSEEN
200 EAST 10TH STREET PLAZA
EDMOND, OKLAHOMA 73034

MR. RONALD METCALF
ATTORNEY AT LAW
702 GARRISON AVENUE
FORT SMITH, ARKANSAS 72901

ON BEHALF OF THE DEFENDANTS:

MS. MICHELLE ODUM
HUMPHRIES, ODUM & EUBANKS
1901 BROADWAY STREET
LITTLE ROCK, ARKANSAS 72206

MS. ROSALYN MIDDLETON
ASSISTANT ATTORNEY GENERAL
323 CENTER STREET, SUITE 200
LITTLE ROCK, ARKANSAS 72201

I N D E X

STYLE AND NUMBER	1
APPEARANCES	2
STIPULATION PAGE	5

WITNESS: **CRAIG SHIPP**

Examination by Ms. Odum	6
Examination by Ms. Middleton	89
Further Examination by Ms. Odum	115
Examination by Mr. Metcalf	120
Further Examination by Ms. Odum	123
Examination by Mr. Franseen	125
Deposition Concluded	126
COURT REPORTER'S CERTIFICATE	128

E X H I B I T S

EXHIBITS:

IDENTIFIED:

1. Thirteen Page Copy of Grievance Directive	90
2. One-Page Copy of 2/13/16 Request	93
3. One-Page Copy of 2/12/16 Request	99
4. One-Page Copy of 2/18/16 Request	102
5. One-Page Copy of 2/20/16 Complaint	103
6. Three-Page Copy of 3/9/16 Complaint	104
7. Eleven-Page Copy of Complaint	105
8. One-Page Copy of 3/21/16 Request	109
9. One-Page Copy of 3/30/29 Request	109

EXHIBITS CONTINUED

- | | | |
|-----|--|-----|
| 10. | One-Page Copy of 2/17/16 Request | 115 |
| 11. | One-Page Copy of 2/1/16 Request | 117 |

C A P T I O N

ANSWERS AND ORAL DEPOSITION OF **CRAIG SHIPP**, a witness
produced at the request of the Defendants, taken in the above-
styled and numbered cause on the 14th day of November, 2018, at
10:06 a.m., at the law offices of Ronald Metcalf, 702 Garrison
Avenue, Fort Smith, Arkansas, pursuant to the Federal Rules of
Civil Procedure.

P R O C E E D I N G S

THEREUPON,

CRAIG SHIPP,

THE WITNESS HEREINBEFORE NAMED, having
been first duly cautioned and sworn by me
to testify to the truth, the whole truth,
and nothing but the truth, testified on his
oath as follows, to-wit:

EXAMINATION

BY MS. ODUM:

Q Good morning. My name is Michelle Odum. We've actually
been sitting here chitchatting, but --

A Yeah.

Q -- I forgot to introduce myself.

A I'm Craig Shipp.

Q Okay.

A It's time.

Q Yes, sir. I'm here for the medical defendants in this
lawsuit. We're here to take your deposition, which is as I'm
sure your lawyer has told you, an opportunity for us to get
your side of the story under oath.

A Yes.

Q Have you ever had your deposition taken before?

A No, first time.

Q Okay. Have you ever filed any lawsuits before?

1 A No.

2 Q Okay. So no workers' comp?

3 A No.

4 Q Okay. Now, and I believe your attorney told me earlier
5 that you're not seeking lost wages in this case?

6 A No.

7 Q Okay. And at some point you did apply for social security
8 disability; is that correct?

9 A Yes.

10 Q When was that?

11 A That would have been five years ago.

12 Q Okay. And why did you do that?

13 A Because I was told that I probably would not be able to
14 use my foot to do any kind of manual labor.

15 Q Okay. And what -- which foot?

16 A The right.

17 Q Is that -- and is that the one that had charcot foot?

18 A Yes.

19 Q How did the application process go, did you do that
20 yourself, the initial application?

21 A I was in the hospital, and the lady come in and said, you
22 know, sign this, and they went -- took off and did the rest of
23 it.

24 Q Okay. So they submitted your medical records?

25 A Yeah.

1 A Yes.

2 Q Okay. And then they replace -- so it's the orthotic they
3 create that goes into the New Balance?

4 A Yes.

5 Q Okay. All right. Have you had -- and you had mentioned
6 your right foot. And you also had some trouble with your left
7 foot as far as the ulcers. Do you have an amputation?

8 A The toe, yes.

9 Q Okay. What did they tell you, I mean, what caused the
10 need for the amputation of the toe?

11 A Infection in the bone.

12 Q Okay. But you did not have charcot foot on the left?

13 A No. This foot is still shaped the same as it was, it's
14 just missing a toe.

15 Q Okay. Did you have any other complications from diabetes
16 besides your feet?

17 A No.

18 Q Okay. Do you have any other medical issues besides
19 diabetes and, of course, the issues with your feet?

20 A High blood pressure.

21 Q All right.

22 A And that's all I can think of right now.

23 Q Okay.

24 A That's all I take medication for besides high cholesterol.

25 Q Okay. So you take medication for high cholesterol, high

1 Q Okay. And so that would have been '12 or '13 -- '11, '12,
2 '13, somewhere in there?

3 A No. Gabapentin --

4 Q Oh.

5 A -- they finally put me on that when I was at Texarkana.

6 Q Okay. But -- and I'm sorry -- when you started having the
7 nerve pain, it was in '11, '12, or '13?

8 A Yes.

9 Q Okay. Now, you mentioned working for your brother-in-law.
10 Who was that?

11 A Dewayne Higgins.

12 Q Okay. Now, who is he married to?

13 A Debbie.

14 Q Okay. What is his business?

15 A Dewayne Higgins Trucking.

16 Q So did you still have your CDL?

17 A No, not then.

18 Q Okay. So you didn't -- you weren't driving?

19 A No. I wasn't driving.

20 Q Okay. What were you doing for him?

21 A I was trying to work at his shop.

22 Q Okay. Did you do mechanical work, or warehouse work, or?

23 A It would be basically servicing the trucks, changing the
24 oil, breaking down tires --

25 Q Okay.

1 A -- washing them.

2 Q All right. And so you have a good relationship with Mr.
3 Higgins?

4 A Yeah, I used to have.

5 Q Okay. All right. And I apologize if I'm a little
6 repetitive, but just to have it kind of all together. With
7 your charcot foot, you said was diagnosed 2012 or '13,
8 somewhere in there?

9 A Yeah.

10 Q Okay. And besides the orthotic, have you had any other
11 course of care for that since your diagnosis?

12 A No.

13 Q Did they give you any advice as far as what to do to
14 prevent drastic breakdown of the bone?

15 A Drastic breakdown of the bones and -- no. They basically
16 said there was nothing they could do. That's why I originally
17 went to Dr. Thomas to see if, you know, there was anything that
18 she could do because she's a bone and ankle specialist.

19 Q Right.

20 A She said with active charcot, she couldn't do anything as
21 long as, you know, it was still moving and breaking down.

22 Q Okay. And so what happens when it stops moving and
23 breaking down?

24 A That's what they -- you know, just keep using your shoes,
25 your orthotics. The main thing is always check your feet, you

1 with?

2 A Basically.

3 Q Okay. I'm curious. I've heard of phantom pain when you
4 lose a limb. Do you still -- do you have that phantom pain?

5 A Every now and then I can. I will have an itch on -- you
6 know, a spot on -- I can even feel like the exact spot, you
7 know, like it's in between these toes or something.

8 Q Uh-huh.

9 A It's crazy. I had always heard of that and laughed at
10 people, you know, that had, you know, amputations and I would
11 say, oh, come on.

12 Q Yeah.

13 A But it's true.

14 Q Okay. That -- I mean, it's interesting. I mean, not for
15 you, that's terrible for you, but I've always been curious
16 about it. Okay.

17 Were you given instructions for how to handle your
18 diabetes to maybe keep your foot -- you from having trouble
19 with that right foot that already had the charcot foot?

20 A Just take the Metformin. And my diabetes, like your A1C,
21 it runs fairly well.

22 Q Okay. All right. So that's good for your foot care to
23 have your A1C running well?

24 A Yes.

25 Q Okay. Now, how many ulcers did you have on that right

1 foot up to -- you know, before you went into SWACCC?

2 A Over the years?

3 Q Yes, sir.

4 A Maybe two, three.

5 Q Okay. And how many had you had on that left foot before
6 -- because I know you've had an amputation?

7 A Just the one really.

8 Q Just -- really? Okay.

9 A It got the infection in the bone and it come off.

10 Q Okay. So am I correct that you had an orthotic for your
11 left foot due to the loss of toe, and you had an orthotic in
12 the right foot due to the charcot foot?

13 A Yes.

14 Q Okay. So that -- I mean, they were for different
15 purposes?

16 A The left foot is basically they put toe filler for
17 your --

18 Q Okay.

19 A -- what they call toe filler for your shoe, but.

20 Q Does that help with balance?

21 A No. It just helps the shoe really --

22 Q Okay.

23 A -- basically is what it does.

24 Q Okay. I imagine that would probably keep you from tipping
25 forward on your other toes?

1 A Yes.

2 Q -- another one? Okay. So was it a -- if -- when in 2015
3 was that?

4 A I don't remember the exact date.

5 Q Okay.

6 A It was during the summer.

7 Q Summer, okay. So it took six months for you to enter your
8 plea?

9 A Yeah.

10 Q When -- you had one night in jail. When did you go back
11 to jail after you entered your plea?

12 A February -- I went in February the 1st at SWACCC, so I
13 turned myself in the night before then.

14 Q Okay. And how does that work, is that just you report to
15 the jail?

16 A Report to the jail, surrender yourself.

17 Q Okay. Now, so what were you wearing when you reported to
18 the jail?

19 A I was wearing my shoes.

20 Q Okay. And it had the orthotics in them?

21 A Yes.

22 Q And was it Crawford County?

23 A Crawford.

24 Q Okay. Did they let you bring your inserts into the jail?

25 A I wore them in.

1 Q Okay. And were -- so you were -- were you admitted into
2 Crawford County with them?

3 A Yes.

4 Q And did you wear them overnight until they were --

5 A No.

6 Q Okay. What happened?

7 A They take all of your property, you know, wallet if you
8 have it, change, and everything, and give you, you know, the
9 orange jumpsuit and the -- you know, I think they are sandals
10 like the Croc-type things that we were wearing --

11 Q Okay.

12 A -- at SWACCC.

13 Q All right. So what happened -- so you transferred to
14 SWACCC the next day, February 1st?

15 A Yes.

16 Q How was that transfer, did they give you your property
17 back?

18 A No.

19 Q Okay. What happened to your property at Crawford County?

20 A They keep it.

21 Q Did they release it to your family?

22 A Released it to my sister.

23 Q Okay. And which sister was that?

24 A Robbin --

25 Q Okay. And that --

1 A -- Styers.

2 Q Robbin. So Crawford County gave it all to Robbin. And do
3 you spell her name with one "B" or two?

4 A Two.

5 Q Okay. And how do you spell her last name?

6 A S-t-y-e-r-s, Styers.

7 Q Okay. So then Crawford County put you in a van, or a
8 patrol car, or something?

9 A Uh-huh.

10 Q And drove you down to Texarkana?

11 A Yes.

12 Q So what happens once you get to Texarkana?

13 A You go into Intake. They take the orange jumpsuit, even
14 the underwear that you are wearing and issue you, you know,
15 their yellow uniforms --

16 Q Okay.

17 A -- along with their -- with the Crocs, which would kind of
18 throw us.

19 Q Okay. Did your New Balance make it from Crawford County
20 -- without the inserts, make it from Crawford County to SWACCC?

21 A Yes, with the inserts, though.

22 Q With the inserts?

23 A Yes.

24 MR. FRANSEEN: On which date?

25 MS. ODUM: Yeah?

1 THE WITNESS: On what date? Is it on --

2 MS. ODUM: Yeah, earlier you --

3 MR. FRANSEEN: It was something about an intake,
4 on intake.

5 THE WITNESS: Oh, on intake? Oh.

6 MS. ODUM: Yes.

7 A On intake on the second of -- the first, no, the shoes
8 didn't come then.

9 Q (By Ms. Odum) Okay. Because they had -- Crawford County
10 had given them to your sister?

11 A Yes.

12 Q Right.

13 A Yeah.

14 Q No. I'm only talking about --

15 A Okay.

16 Q -- February first.

17 A Sorry about that.

18 Q That's okay. And what I was asking was, when you
19 transferred from Crawford County to SWACCC, were you wearing
20 the sandals or were you wearing your New Balance that did not
21 have inserts in them?

22 A I was wearing the sandals.

23 Q Wearing the sandals, okay. And what footwear did they
24 give you when you got into SWACCC?

25 A The orange Crocs-looking like shoes.

1 Q Okay. So those, they're kind of rubbery?

2 A They're rubbery and look like Crocs. They've got the
3 holes in the top and that was --

4 Q Right, okay. Now, I know that you were evaluated by
5 someone in Medical that day?

6 A Yeah.

7 Q Tell me about your interaction with her as it pertains to
8 your orthotics?

9 A I told her that I have to have them, they're prescribed,
10 you know. And showed her my feet for sure, to make sure, you
11 know, I could get some help getting them, you know, down there
12 to me.

13 Q Okay. And what did she tell you?

14 A She looked and she said I will definitely -- I'm going to
15 -- definitely putting this down and putting it in, I think,
16 notes.

17 Q Okay. Did she give you any instructions?

18 A I don't believe she was the one who told me to file the
19 request for shoes. I think it was -- I was talking to the
20 Intake person and he told me that.

21 Q To file the request with whom?

22 A With SWACCC, a request for the shoes.

23 Q I mean, was it with Medical or Security?

24 A I think it was Medical.

25 Q Okay. Did anyone in -- at -- tell you to be sure to write

1 the warden?

2 A No.

3 Q Okay.

4 A That I can remember.

5 Q Okay. Now, if the -- the lady who did your intake stated
6 that she advised you to write a request to the warden regarding
7 your personal shoes?

8 A Did she?

9 Q Yes.

10 A Not that I recall.

11 Q Okay. So you don't recall that, okay. So did you write a
12 request on February 1st?

13 A Yes.

14 Q To whom, do you know?

15 A I don't remember if it was Medical or if it was the
16 warden, but I think it was the warden.

17 Q Okay. Do you know what happened to that request?

18 A No. I don't remember.

19 Q Did anyone come talk to you about it?

20 A I believe they sent a reply saying you have to send this
21 to Medical.

22 Q Okay. What was -- did you speak to anybody -- who did you
23 speak to after that intake?

24 A After the intake?

25 Q Yes, sir.

1 progression as you were going through Medical -- you know,
2 going through -- with regard to your medical issues?

3 A Through February?

4 Q Yes, sir.

5 A Well, I went to Medical and I would, you know, show my
6 foot to them and explain to them to, you know, I have to have
7 the shoes. So they're constantly saying the warden has to
8 approve it, so I would write a request to the warden. He would
9 send, "You need to take this to Medical." Medical would turn
10 around and tell me, well, he's the one who needs to approve it.

11 Q Okay.

12 A Until, you know, during the month of February the foot
13 eventually -- you know, the toe first -- the right foot gave me
14 problems first.

15 MR. FRANSEEN: Which foot?

16 THE WITNESS: The left foot.

17 A I mean, the left foot --

18 Q (By Ms. Odum) Okay.

19 A -- sorry.

20 Q Your left foot gave you --

21 A The left foot gave me problems first, it burst open first.

22 Q Okay.

23 A And that was -- I was going to show them my foot then and,
24 you know, I was showing the right and went to kick off the
25 Crocs with my left, and Nurse Kindall says, "Why is there blood

1 shoes.

2 Q Okay.

3 A You can -- they could see, you know, I have a valid, you
4 know reason for the shoes to be allowed in.

5 Q Okay. Well, did they tell you the steps that they were
6 going to have to take to get you your shoes?

7 A They said file a request with the warden.

8 Q Okay.

9 A And undoubtedly, you know, it would be sent back that
10 Medical has to approve.

11 Q Okay. And Medical did approve it; is that right?

12 A I was never told how it got approved, but how they
13 eventually got in there. I think so, because they were all,
14 you know, worried that something is going -- you know, the
15 infection will set in and I could eventually lose the foot.

16 Q Okay.

17 A I know that it seemed like they were trying, but nothing
18 really was happening --

19 Q Uh-huh.

20 A -- as far as, you know, I could tell.

21 Q All right. And -- but you don't know anything about the
22 internal processes of -- at Medical?

23 A No.

24 Q Just that they were all worried --

25 A Uh-huh.

1 -- well, she was already seeing the bloody foot, you know, had
2 seen what had happened to that. And the right foot was the
3 one, you know, that was even in worse shape I thought, you
4 know. I already knew it was in worse shape.

5 And basically she was like, "I'm not supposed to, you
6 know, even see you here today." That's why she -- she repeated
7 that, that's why Nurse Kindall got me the elevator pass.

8 Q Okay. Did she say anything about contacting your family,
9 Dr. Lemdja?

10 A Not that I remember.

11 Q Okay. If Ms. Kindall made a note that the doctor made a
12 reference to contacting your family, would you have any reason
13 to dispute that?

14 A I don't know what they have on my records.

15 Q Okay. Well, did numerous people in Medical mention
16 contacting the warden or contacting your family?

17 A It was the warden mostly.

18 Q The warden?

19 A Yeah.

20 Q Okay. Now, let's move on to Dr. Lomax. What is it -- I'm
21 trying to think of your testimony -- so what is it that you
22 think Dr. Lomax did wrong?

23 MR. FRANSEEN: Object to form.

24 A Basically she could have helped me get the shoes, you
25 know. That's --

1 Q Okay. Well, the --

2 A I mean --

3 Q The first record that shows that she saw you was February
4 16th?

5 A Yeah.

6 Q Okay. And you -- I think a property record shows you had
7 your shoes on February 19th. So was it three -- could she have
8 done more?

9 A Yeah. I think they all could have done more.

10 Q Okay. Well, what -- if that -- that was coming from your
11 family; is that right, those shoes?

12 A Yes.

13 Q Okay. What else do you think she could have done, what do
14 you think she should have done?

15 A That uh --

16 Q Could you have gotten your shoes any quicker on February
17 16th when you saw Dr. Lomax?

18 A I don't know what she -- you know, she helped get me the
19 phone call to the family and the warden, I don't know, but.

20 Q How did you get your shoes, did someone bring them or did
21 they mail them?

22 A They FedEx'd them overnight.

23 Q Okay. All right. And so that from February 16th to
24 February 19th, you think was too long?

25 MR. FRANSEEN: Object to form.

1 A Yeah.

2 Q Okay. Can I get you to also agree that the next step
3 would have been the formal grievance after that, let's look at
4 Section 1B?

5 A Yeah.

6 Q Okay. And if you didn't agree with the decision of a
7 grievance process, would the next step then be the appeal?

8 A Yes.

9 Q Okay. All right. And you said earlier that you don't
10 remember filing a request with the warden on February 1 during
11 your intake; right?

12 MR. FRANSEEN: Object to form.

13 A Yes. I remember filing that.

14 Q You said -- you say you did or you didn't with the warden?

15 A I do, yes.

16 Q You did file one on February 1st?

17 A Yes.

18 Q Okay.

19 A February 1st.

20 Q Okay.

21 A I filed a request.

22 Q Okay. On February 1st -- during -- at the --

23 A Yes.

24 Q -- intake?

25 A Yeah.

1 Q Okay. Who did you file that with?

2 A Who did I file it with?

3 Q Who did you give it to?

4 A I don't remember. I think you dropped it in a box -- no,
5 I was in Intake, so I think I give it to the guard.

6 Q Okay, you gave it to a guard. Now, did you get a response
7 to your --

8 A I believe so.

9 Q Okay. And what was that response?

10 A I think it was need to -- how was it like worded -- need
11 to be addressed and -- addressed to Medical or something like
12 that.

13 Q Okay. Let's see, you came in to SWCC or SWACCC on the
14 1st. Now, you submitted a sick call -- do you call them sick
15 calls?

16 A Yeah.

17 Q Okay. And did you submit a sick call around February 3rd,
18 do you remember?

19 A No. I can't remember February 3rd.

20 Q You don't remember? Okay. This is going to be Exhibit 2.
21 Now, would you agree that this is titled, "A Health Service
22 Request Form"?

23 (WHEREUPON, Exhibit 2 was marked for
24 identification and is attached hereto.)

25 A Yes.

1 Q Okay. Would you also agree that this is the form that you
2 submitted?

3 A Yeah.

4 Q Okay. What's the date on that form?

5 A The 2nd and 3rd.

6 Q Okay. February 3rd; correct?

7 A Yes.

8 Q All right. Now, in that request you are seeking treatment
9 for what?

10 A Description of the problem was deformed feet due to
11 charcot joint and also diabetes.

12 Q All right. Now, after you submitted that request, were
13 you seen by Medical?

14 A Yeah. I would have been seen by them.

15 Q And would it be about February 5th --

16 A Yeah.

17 Q -- would you agree? Now, who did you see during that sick
18 call, do you remember?

19 A I do not remember.

20 Q That's perfectly okay. Do you recall during that sick
21 call visit being told to notify your family about your shoes?

22 A No.

23 Q Do you recall seeing the doctor again on February 12th?

24 A No. I don't remember the exact dates.

25 Q You don't remember the exact date? I want to record it,

1 so --

2 A Oh.

3 Q -- that -- it's fine if you don't remember the exact date

4 A Yeah.

5 Q I pulled from your records the exact date. Your records
6 show that you saw the doctor again on February 12th, and so you
7 don't recall who you saw on the 12th, do you? It probably
8 would have been, let's say --

9 A The 12th would have been --

10 Q It would have been maybe your second visit? I don't know
11 if you had any visits in between. I know you had some things
12 with your -- changing your socks.

13 A I don't know.

14 Q You don't know who you saw?

15 A No.

16 Q Okay.

17 MR. FRANSEEN: Well, just real briefly, have I
18 been provided these documents?

19 MS. MIDDLETON: Uh-huh. Those -- they should be
20 -- it should have been Bates stamped. It's in the
21 medical.

22 MS. ODUM: Yeah.

23 MS. MIDDLETON: Yeah.

24 MR. FRANSEEN: Well, I've got the CCS 292 and
25 this is a different -- do you know what the -- that

1 Q Who was she? What --

2 A She was a counselor.

3 Q She was a counselor?

4 A Yeah.

5 Q Okay. So did you pretty much see her everyday?

6 A No, not everyday.

7 Q And you don't recall talking to her on the 12th?

8 A No.

9 Q No, okay. Now, according to your Complaint, you state
10 that you filed a -- well, you advised Warden Arnold that you
11 developed an open wound on your foot; is that correct, in your
12 Complaint?

13 A I would, yes.

14 Q Okay. Would this be a resident request?

15 A I don't remember if it was a resident request or if it was
16 a grievance.

17 Q Okay. That will be Exhibit 3. And these are from
18 Michelle's documents. Take a second and look at that for me,
19 please.

20 (WHEREUPON, Exhibit 3 was marked for
21 identification and is attached hereto.)

22 A Yeah. I remember him saying that, yeah, it must be
23 addressed in a sick call.

24 Q Okay.

25 A And I was trying to get him to get the shoes in.

1 Q Okay. Hold on here. Let me -- okay, so is this -- this
2 is the resident request you submitted to Warden Arnold?

3 A Yes.

4 Q Okay. And did he respond?

5 A Yeah.

6 Q Okay. What was his response?

7 A "Must be addressed in a sick call due to it has to be
8 evaluated for medical necessity."

9 Q Okay. Now, I heard you earlier say you saw -- well, you
10 received treatment from Dr. Lomax, and you estimated that you
11 saw her for the first time around, what, February 16th?

12 A The 16th or it could have been earlier.

13 Q All right. And you said earlier that you talked to her
14 about your shoes --

15 A Yes.

16 Q -- and that this -- okay. Now, after you saw Dr. Lomax on
17 the 16th, do you recall making a phone call to your family?

18 A On the 16th?

19 Q The 17th.

20 A On the 17th?

21 Q It would have been the 17th.

22 A I made a phone call, yes.

23 Q Okay. So you did call -- you were allowed to use the
24 phone?

25 A I was allowed to use the phone.

1 Arnold had some involvement in those and if you have a
2 complaint?

3 A In the scheduling of appointments?

4 Q Yes, yes. The scheduling of your appointments?

5 A I don't know if he did or didn't.

6 Q Okay, okay. Now, after you received your shoes did you
7 have anymore problems with your feet?

8 A Yes.

9 Q What type of problems did you have?

10 A Just the open, oozing ulcer.

11 Q So after receiving your shoes, I see that you submitted a
12 request to be transferred --

13 A Yes.

14 Q -- from the -- why did you --

15 A I -- no. It probably was after the shoes.

16 Q Well, I --

17 A Go ahead, I'm sorry.

18 Q I can show you.

19 A Alright.

20 Q I can show you. I've got -- again, you have made me read
21 all of your documents, so I'm going to show you. These are
22 going to be 7 and 8. This is going to be resident --

23 COURT REPORTER: That's 8 and 9.

24 MS. MIDDLETON: Yeah, 8 and 9. Sorry.

25 Q This is 8 and 9. This is going to be a request that Mr.

1 Q Now, I want to fast forward here, and see if -- you asked
2 to be transferred --

3 A Uh-huh.

4 Q -- because you thought you would I guess, what, receive
5 better treatment elsewhere?

6 A Yes.

7 Q So now, on May 11th you were admitted to UAMS --

8 A Yes.

9 Q -- is that correct? Why were you admitted?

10 A Why was I admitted?

11 Q Uh-huh. Why were you admitted to UAMS?

12 A They did a -- I guess you would call it a heavy
13 debridement of the foot that I -- all right, a baboon's rear-
14 end.

15 Q Okay. That's fine.

16 A They cut the meat off of it --

17 Q Uh-huh.

18 A -- put it that way.

19 Q Okay.

20 A The best way I can describe it.

21 Q Off your foot?

22 A It looked that bad.

23 Q Off your foot?

24 A Yes.

25 Q And which foot was that?

1 A The right foot.

2 Q The right foot. And were you hospitalized after --

3 A I was hospitalized. That's when they first put me on
4 Vancomycin, and that's the reason they said they could not take
5 me back to SWACCC.

6 Q Okay. So you were hospitalized at UAMS how many days, can
7 you recall?

8 A I think I was there two days.

9 Q Okay. And so when you were discharged, you did not return
10 to SWACCC?

11 A No.

12 Q Okay. And you were transferred to?

13 A Malvern.

14 Q Malvern. Now, while you were at -- how long were you at
15 Malvern?

16 A Until I was released.

17 Q Until you were released. Now, did you experience any
18 complications while you were at Malvern?

19 A Any complications?

20 Q Yeah, with your foot?

21 A Yes, I did.

22 Q What type of complications?

23 A What do they call it when it, you know, it starts turning
24 red and getting streaks, it's a --

25 Q An infection? No?

1 A No. So -- but if you hadn't seen them, it may just be my
2 memory there.

3 MR. FRANSEEN: But if you remember it, don't --
4 just stick with your memory.

5 THE WITNESS: Okay.

6 MS. MIDDLETON: Uh-huh, yeah.

7 MR. FRANSEEN: I don't want you just disagreeing
8 with your own memory.

9 MS. MIDDLETON: Uh-huh. Right, right. If
10 you --

11 Q (By Ms. Middleton) What do you think Warden Arnold could
12 have done differently?

13 A Allowed the shoes in sooner, immediately, you know.

14 Q When you say immediately, are you talking about when you
15 informed Intake?

16 A Yes.

17 Q So without going through the proper channels?

18 MR. FRANSEEN: Object to form.

19 A If you have a medical need for it, I would say so.

20 Q Okay.

21 MS. MIDDLETON: I don't have anything further.
22 Do you need to follow up?

23 MS. ODUM: Just because she skipped one.

24 MS. MIDDLETON: Okay, I did?

25 MS. ODUM: That's because it's still in medical.

1 Q You mentioned you hadn't spoken to any expert witnesses.
2 Did you talk to Tonya Owen a few weeks ago about your --

3 A Oh, yes, I did --

4 Q -- medical condition?

5 A -- about the medical. I did not realize that she was an
6 expert witness, sir.

7 Q All right. And you were asked about contact or
8 communications you had with the warden about your shoes. Did
9 you actually have a conversation with him shortly after your
10 arrival --

11 A I did catch him going through -- as soon as we were on 4
12 South he was walking through, and --

13 Q But what -- approximately what date would that have been?

14 A It would have been, I do believe, on the weekend, because
15 he would walk through every Saturday, so the first Saturday I
16 was there.

17 Q And what day did you get there?

18 A February 1st.

19 Q And then so about how many days would that have been after
20 you had been there?

21 A Was the 1st on a Sunday -- or a Monday, so it would have
22 been about five or six days, I guess.

23 Q Okay. All right. And why did you feel the need to have a
24 conversation with him?

25 A Because of the condition of my feet. And I asked him, you

1 know, I need these shoes.

2 Q Well, just tell me how it came about that you had a
3 conversation with him?

4 A He would generally walk through on the weekends, come in,
5 you know, sometime after breakfast. Everyone was up, so he was
6 coming through 4 South, and before I knew who he was, he had
7 already passed. And one of the inmates who had been there
8 longer said that is, you know, Warden Arnold.

9 So I cut through the barracks through the -- everybody's
10 bunks and met him on the other side and introduced myself and
11 told him, you know, I really need these shoes. Can you, you
12 know, get them in any sooner, and can you get them in at all
13 really. And he looks at me and says, "That's something you
14 need to address through Medical." And he said, "I don't watch
15 -- I don't play a doctor, I'm not a doctor and I don't play one
16 on TV," and walked on.

17 Q You talked to these various nurses early on in the process
18 after you got there?

19 A Yes.

20 Q Did you expect them to talk to their superiors about the
21 need for these shoes?

22 A Very much so, yes. I would have thought that they would
23 have went, you know, maybe even to him and said, "You know,
24 he's got to have these, something bad will, you know,
25 eventually happen."

C E R T I F I C A T E

STATE OF ARKANSAS)

) ss

COUNTY OF FAULKNER)

I, DENNIS W. MICKELS, Certified Court Reporter #735, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

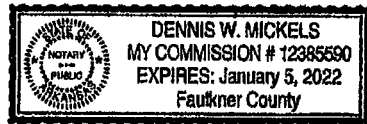
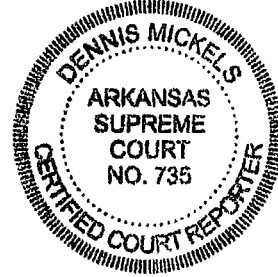
I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 23rd day of November, 2018.



DENNIS W. MICKELS, CCR

Certified Court Reporter #735



ADC HEALTH SERVICE REQUEST FORM

MSF-20

Name (Last, First, MI):	ADC #:	Date of birth:	Barracks:	Date of Request:
Shipp Craig A	660878	11-11-70	45	2-3-16

Job Assignment:

Description of the problem: Deformed Feet + toes due to Charcot joint. Also Diabetes

I consent to be treated for the above problem. I understand that in accordance with the Department of Correction's policy, I will be charged for healthcare services through deductions of applicable co-payment charges from my resident account, and that if I have insufficient funds to cover the charge, the amount of the co-pay will be set up as an outstanding debt.

INMATE'S SIGNATURE: Craig Shipp DATE: 2-3-16

FOR MEDICAL USE ONLY				
FACILITY NAME: <u>SWACCC</u>				
DATE RECEIVED BY MEDICAL DEPT: <u>2.5.16</u>				
PRIORITY 1: See within 24 hours- emergent need <input type="checkbox"/>		PRIORITY 3: See within 72 hours- routine request <input checked="" type="checkbox"/>		
PRIORITY 2: See within 48 hours- urgent need <input type="checkbox"/>		PRIORITY 4: Face-to-face visit not needed; respond to request in writing <input type="checkbox"/>		
DATE TRIAGED: <u>2.5.16</u>		TRIAGED BY: (NAME) <u>J. H. K.</u> (TITLE) <u>L</u>		
If the EHR is unavailable, enter nursing sick call notes in this area:				
Vital Signs: BP	Pulse	Temp	Resp	Wt
Protocol Used:				
Subjective:				
Objective:				
Assessment:				
Plan:				
Education:				
Refer to: <input type="checkbox"/> Physician <input type="checkbox"/> Mid-level <input type="checkbox"/> Mental Health <input type="checkbox"/> Dental <input type="checkbox"/> Other (List):				
Medical Staff Name:				
Medical Staff Signature:		TIME:	Date/Time:	Unit:
Inmate Name: <u>Shipp, Craig</u>		ADC #: <u>660878</u> Date of Birth: <u>11-11-70</u>		

RESIDENT REQUEST

RECEIVED
MAR 22 2016

CENTER: SWACCC DATE: 3-21-16
TO: Warden Arnold OFFICE:
FROM: Craig Shipp NUMBER: 660878
JOB: SUPERVISOR:
WORKING HOURS: HOUSING UNIT: 5th Floor

GIVE A DETAILED REASON FOR REQUEST:

Request medical transfer to Malvern med unit.
~~Entirely wrong~~ The treatment my feet require. Such
as Debridement, casting, X-rays and Ula-foot offloading
have to be done at clinics. They have to be approved usually
taking 2 days. Dr. Lomax has told me they are not
equipped to do these things. And are not staffed to do
them. It has been 6 weeks since the wounds
developed and will take months more to heal. I also
have a third wound due to a cast rubbing the skin
off of my right pinky toe. The right foot was cast
Mar. 9 and was removed Mar. 14. It had to be approved
first to be removed. Being at the Malvern unit
would be a better place for getting my feet
healed the.

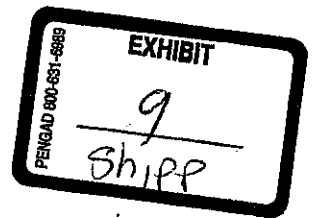
Craig Shipp
(RESIDENT'S SIGNATURE)

I spoke with Dr. Lomax on 3/24/16 in response to your
transfer request. She states you are receiving appropriate
medical care at this time and if you are transferred

ACTION TAKEN:

3-22-16 It may also possibly delay some vital
- Medical ? tests or services. A transfer is not indicated
8 QED / 3-22-16 from a medical standpoint
@ this time. Any decision
for transfer will be based on the
Warden's decision.

Warden Arnold RGA 3/25/16
(RESPONDANT'S SIGNATURE AND DATE)



Arkansas Community Corrections
Request for Interview
Resident Request

RECEIVED
APR 01 2016

Center: SWACCC Date: 3-30-29
To: Mrs. Turner Office: medical
From: Craig Shipp Number: 660878
(Resident's Name)
Job Assignment: Elav Ap Supervisor: _____
Working Hours: _____ To: _____ Housing Unit: 5th

Give a detailed reason for request: In the reasons listed
for not transferring me to the Malvern med unit
was the potential for missing doctor's appointment
My visit to Wadley I was told by the doctor
and his nurse, and so was the officer who took
that, I had an appointment with Dr. Keene the
next day. Why wasn't I taken to it.

Craig Shipp
(Resident's Signature)

Action Taken:

Your physician cancelled the appointment
referred you to the wound clinic instead
where you have continued to have ongoing care.

Debra Turner HSA 4/12/16
(Respondent's Signature/Date)